App F IX 4

Previous References

1947.48
(mal)

File No 10-47
Serial Nos 44 45

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two (2)

Part B for Feb' 1948

SUBJECT

Payment of arrears of Pay to Mutth
Peon on the establishment of the mard

18/2/08

9373

From the Municipal Commr Bangalore City
A.T.C 1265 dated 8-5-43.

states that one Muthu Pillai was, on account of neglect of duty, dismissed from service with effect from 20-4-1944, that he was reinstated in his appointment from 3-4-1945 and requests sanction of Govt to treat his absence, from 20-4-1944 to 2-4-45, as privilege leave for 7 days and furlough on half pay for the remaining period and draw and disburse his pay for the said period, as a special case

1) The proposal may perhaps be allowed with financial concurrence

Respectfully
21/5/43
Your favour of remarks
Hon Secy
W C) 24/5
24/5/43

FINANCE 8217 26/5/43 BANGALORE

3 Please see Arts 115, 132 and 268 of the M S R
There can be no question of the grant of any kind of leave in this case, carrying any payment of—

9373

allowances Since the past Service is forfeited, the utmost that can be done is to count it for purposes of pension no doubt under Art 132 Such past Service may count for leave also, but Such an indulgence depends on the facts of the case and cannot be shown as a matter of course in all cases

Rev Secy wre) 27.5-W) 27/5

4) Subt with a draft Rly accordingly to the Municipal Comr Bareilly etc

5 For approval

24/5

Secy 1553 1/6

6 Submit with the D.S.R

11/6

7 Minister for G.T.R & P.H } For appt & The draft before issue

16/6/47

13/6

9) 16/6

To The Mr — for 17160 dt 19-6-47 calls for further report

12 16th

OFFICE OF THE P. WATER
P.H. & Electricity Dept. P.W.
Date 14/6
No 7770

Q 373 / 3849

From the Municipal Town Bangalore city

MS C 1265 d 2-1-48

States that the peon had rendered a total service of 19 years, he was dismissed for neglect of duty with effect from 21-4-44 and that his absence from 20-4-44 to 2-4-45 was treated as privilege leave for 7 days and the rest furlough on half pay

10) The Municipal Commissioner has again recommended that in the special circumstances of the case the absence of the peon from 20-4-44 to 2-4-45 be treated as Combined leave and Sanction accorded to draw and disburse the arrears claim

11) This is for consideration with reference to the remarks in para 3 supra

Sir
12/1/48

By 13-1-48

12) The ... be consulted

... reference para 3 supra

... 14/1/48

6/14/15/1

NCIA
4635
17/1

Jim Secy
WDC

16/1 yes
Sir

13) The service may count for pension and not

have
Rev Secy) 17.1.48

20 W835

19/1

19/1/48

(4) A draft reply to the Municipal Commissioner accordingly put up for appl in accordance with the opinion of the Government dated the

20/1/48

20-1-48

new reply
20/1/48

for perusal before issue

Secy for C Rules & Secy

PGhatty 21/1

21/1/48

Issued

3/2/48

THE MINISTER FOR CITY MUNICIPALITIES AND SECRETARIAT
No 853
Date 21-1-1948

SECRETARIAT
3 FEB 1948

TO

The Mr Commr,
(3369 dt 11-2-48
Orders accordingly

B

M Gr

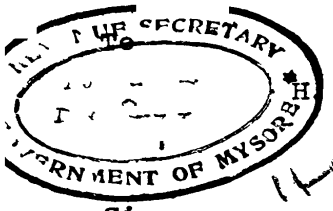
A5 C 1265/46-47.

Office of the Municipal Commissioner,
Bangalore City, dated 8th May 1947

From

Safi Darashah, Esq , B A ,
Municipal Commissioner, Bangalore City.

9373



H N Pallegar, Esq , M A , LL B.,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir,

I have the honour to state that one Mutha, peon working in the Market establishment was dismissed from service with effect from 20-4-1944 for neglect of duty Subsequently on his further representation for reinstatement, the Revenue Officer after due reconsideration and in view of his long service of seventeen years in this department recommended that he may be reinstated, and accordingly he was reinstated on 3-4-1945 by my predecessor

2 The period of his absence from 20-4-1944 to end of 2-4-1945 was commuted into previlege leave for seven days and furlough on half pay for the remaining period to which the peon was entitled in the special circumstances reported by the Revenue Officer. When his pay-bill was referred to audit, the local auditors have objected to the payment of the grounds that -

(i) The order of the re-employment by the competent authority was not very definite about the recognition of the previous service of the dismissed servant in question and that therefore there would be no leave at his credit for purposes of commutation of L W A into one of leave with allowances under article of 132 of M S R

(ii) That the commutation of L W A into leave with allowances is inadmissable as per note under article 145 M S R

It may be stated in this connection that the note referred to under article 145 applies only to conversion of extra-ordinary leave into furlough on medical grounds and not to the conversion

on other grounds as in this case The objection of the Auditor therefore is untenable.

3. It was further observed by the Senior Auditor that the claim need not come for audit if any extra cost was involved On a perusal of the baraward, it is seen that the vacancy was filled up all along by a substitute In view of the above, extra cost can also be incurred

4. In the circumstances stated above and in view of the fact that the peon in question has put in a long service of 19 years in the department, I request that sanction of Government may kindly be obtained to draw and disburse arrears claim of his pay as a special case.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner.

hsr/-

h 17160
d. 19.6.47

To

The Municipal Commr Bangalore City

Re. one Muthu Peon

Sir,

With reference to Your letter No A3-c/265 dated 8-3-47 requesting Sanction of Govt to drawn and disburse the arrear claims of pay of the above peon as a special case I am directed to write reference to Articles 115, 132 and 268 of the M S Regulations and to state that there can be no question of the grant of any kind of leave in this case carrying any payment of allowances

Since the past service of the peon is forfeited, the only Concession that can be allowed in this case, is to count the service for purpose of

9375 3816

Pension

No doubt under Article 132 of M & R, such hard-Service may count for leave also, but such an indulgence depends on the facts of the case and cannot be shown as a matter of Course

I am therefore, to request you to examine the Question in the light of the above observations and furnish Your considered Opinion ~~in the matter~~, together with a detailed report in the matter

Yours

for Revenue Secy

13/6

11/6

Mu 10-47-44

BANGALORE CITY MUNICIPALITY

No A5 C 1265/46-47

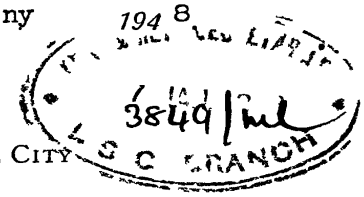
Encl

FROM

MUNICIPAL OFFICES
BANGALORE CITY

Dated 2nd Jany 1948

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY



To

Syed Abdul Aleem, Esq , B A ,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

Subject - Payment of arrears of pay to Mutha, peon on the establishment of the Market

SIR,

With reference to correspondence ending with your reminder letter No L 11936 dated 18-12-1947 on the above subject, I have the honour to state that the peon had put in a total service of 19 years He was dismissed from service for neglect of duty from 20-4-1944 In consideration of his long service the period of his absence between 20-4-1944 to 2-4-1945 was treated as leave Out of this period 7 days are treated as pravilege leave and the rest as furlou on half average salary As the peon had rendered a long service of 19 years, he was reinstated in service under article 132 M S R ~~and~~ the period of absence without leave being recognised as one qualifying for leave In the special circumstances of the case, I request that sanction of Government may kindly be obtained for drawing and disbursing the arrears claim

I have the honour to be,
Sir,
Your most obedient servant

Darashah

Municipal Commissioner

To 13369/ml 10-47-45
11-2-48

The Municipal Commr
Bangalore city

Subj - Payment of arrears of pay to Muslim peon on the establishment of the municipal

Sir,

With reference to your letter no A5-C 1265/46-47 dated 2-1-1948 ~~on the subject~~ requesting sanction to draw and disburse the arrears of pay of the above peon, I am directed to ~~state~~ in reference to this office letter no L 17160 dated -47 and to state that the ~~the~~ services of the above menial may

be allowed to count for pension and not for leave

I have the

for Revenue Secty to Govt
21/1/48

Memo no d 13370/Sch 10-47-4
11-2-48

Today is forwarded we to the Comptroller
to Govt for information

Bo
for
Jr Revenue Secy

Br
20/1/48